

To: Mack, Karyllan Dodson[Karyllan.Mack@klgates.com]
From: Flanagan, Sarah
Sent: Tue 5/27/2014 8:34:31 PM
Subject: RE: LPRSA RI/FS Trust Revised Performance Guarantee

Sounds good.

From: Mack, Karyllan Dodson [mailto:Karyllan.Mack@klgates.com]
Sent: Tuesday, May 27, 2014 4:34 PM
To: Flanagan, Sarah
Subject: RE: LPRSA RI/FS Trust Revised Performance Guarantee

OK, I will try to catch you in the morning. Thanks.

From: Flanagan, Sarah [mailto:Flanagan.Sarah@epa.gov]
Sent: Tuesday, May 27, 2014 4:32 PM
To: Mack, Karyllan Dodson
Subject: RE: LPRSA RI/FS Trust Revised Performance Guarantee

Sure. I have a meeting at 2:30-3:30, but otherwise free at the moment.

From: Mack, Karyllan Dodson [mailto:Karyllan.Mack@klgates.com]
Sent: Tuesday, May 27, 2014 4:29 PM
To: Flanagan, Sarah
Subject: RE: LPRSA RI/FS Trust Revised Performance Guarantee

OK, thanks. I had a couple of topics I wanted to chat about. Do you have time tomorrow?

From: Flanagan, Sarah [mailto:Flanagan.Sarah@epa.gov]

Sent: Tuesday, May 27, 2014 4:26 PM
To: Mack, Karyllan Dodson
Cc: Monsen, Dawn M.
Subject: RE: LPRSA RI/FS Trust Revised Performance Guarantee

Karyllan,

I discussed your proposal with Jennifer LaPoma and she indicated that until EPA receives the revised, updated RI/FS schedule, she lacks the information to evaluate the proposal. For example, some pretty substantial invoices for modeling work have been submitted recently, but at the moment, Jennifer is unsure of the status of the modeling, given that information that EPA requested in recent months has not been provided.

Jennifer is expecting a revised schedule tomorrow, as per her letter dated May 21, 2014, so with that in hand we should be able to respond.

-Sarah

Sarah P. Flanagan
Office of Regional Counsel, NJ Superfund Branch
USEPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3136

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review of, reliance on, or distribution by others or forwarding without the express permission of the sender is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Mack, Karyllan Dodson [<mailto:Karyllan.Mack@klgates.com>]
Sent: Monday, May 19, 2014 12:54 PM
To: Flanagan, Sarah
Cc: Monsen, Dawn M.
Subject: LPRSA RI/FS Trust Revised Performance Guarantee

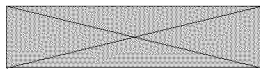
Sarah -

Per our discussion, below please find the components of our proposal for a revised performance guarantee:

- Since there is no requirement that the CPG maintain a minimum balance in the RI/FS Trust Fund, EPA will allow the Trust Fund to drop below \$1M so that incoming invoices from our consultants can continue to be paid. The current balance is effectively \$1.1M; the CPG will process pending invoices in the amount of approximately \$700K. The CPG will not let the RI/FS Trust Fund balance drop below \$250K.
- The CPG will make a payment into the RI/FS Trust Fund in the amount of \$2.7M no later than July 1, 2014. The \$2.7M reflects the new \$1.7M of costs we discussed, plus moving \$1M from 2015 up into 2014. The CPG will make prepayments into the RI/FS Trust Fund as funds are collected to ensure we do not drop below \$250K.
- The CPG will make a 4Q payment into the RI/FS Trust Fund in an amount that reflects the cost to complete the RI/FS. As soon as we have a number, we will notify EPA.
- The CPG will make a \$1M 1Q 2015 payment, instead of a \$2M payment.

Thanks again,

Karyllan



Karyllan Dodson Mack
LEED®-AP
K&L Gates LLP
One Newark Center, 10th Floor
Newark, NJ 07102-5252
973.848.4043 Direct
973.848.4000 Tel
973.848.4001 Fax
karyllan.mack@klgates.com
www.klgates.com

This electronic message contains information from the law firm of K&L Gates LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at Karyllan.Mack@klgates.com.